

- 1.1 **Purpose.** This part establishes policy and provides uniform guidance to Fish and Wildlife Service (Service) personnel participating in other agencies' National Environmental Policy Act (NEPA) processes and with Federal and State agencies in the review of environmental documents (40 CFR 1508.10) and other related project reviews.
- 1.2 **Scope.** This part addresses Service reviews of actions being planned by other Federal agencies under NEPA and other related reviews for which the Service has legal jurisdiction and/or special expertise. It does not address Service compliance with NEPA for its own actions, which are in 550 FW.
- 1.3 **Policy.** Service personnel shall provide timely input and effective participation in other agencies' environmental documents and other project reviews to further our mission of providing Federal leadership to achieving a national net gain of fish and wildlife and the natural systems which support them.
- 1.4 **Authority.** Major authorities, regulations, and guidance which establish and promulgate the above purpose are listed below. The chapter on other Related Reviews (505 FW 4) addresses additional authorities for Service reviews.
 - A. 42 U.S.C. 4321-4347, National Environmental Policy Act of 1969, as amended.
 - B. 40 CFR 1500-1508, Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, July 1, 1986.
 - C. 46 FR 18026, CEQ's Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, March 23, 1981.
 - D. **48 FR 34263**, CEQ's Guidance Regarding NEPA Regulations, July 28, 1983.
 - E. 516 DH I and 7. Department of the Interior's (Departmental or DOI) Manual; Department of the Interior, Office of Environmental Policy and Compliance (OEPC) Environmental Review (ER) Memoranda.
- 1.5 **Terms Used.**
 - A. Definition of Terms. Terms particular to NEPA, environmental documents, and other project-reviews are defined in CEQ's NEPA regulations (40 CFR 1508). A list of acronyms and abbreviations common to all chapters is found in Exhibit 1.
 - B. Environmental Review (ER) Number. Environmental documents and other project reviews are forwarded by DOI's OEPC to the Service and other DOI bureaus for review and comment. These documents are controlled by assignment of an ER number. The number before the slash represents the calendar year and the number after the slash represents the sequential order of the document, e.g., ER 93/0167. The same ER number is generally assigned to subsequent documents concerning the same project; if not, the

OEPC memorandum will generally cross reference related ER-numbered documents.

- C. **Environmental Coordination (EC) Number.** Environmental documents and other project reviews that are not assigned an ER number by OEPC, including those from other DOI bureaus, are assigned a sequential EC number by the Division of Habitat Conservation. These documents are normally reviewed in the same manner as ER-numbered documents.
- D. **Environmental Document (ED) Number.** To provide a coordinated internal review of Service environmental impact statements (EIS) or other documents, DHC may assign sequential ED numbers to these documents. ED-numbered documents should be reviewed in the same manner as ER-numbered documents.
- E. **Ecological Services (ES) Environmental Review Distribution Transmittal.** The Department's OEPC, via a memorandum, transmits controlled documents to the bureaus with specific instructions, such as requirements for any interrelated reviews, assignment of lead bureau responsible for collating comments, and deadlines for providing comments (Exhibit 2). From the OEPC memorandum, the Service prepares the ES Environmental Review Distribution Transmittal (transmittal), which provides specific Service deadlines and instructions for routing comments, as well as any other additional instructions or guidance to aid the reviewer (Exhibit 3).

1.6 Responsibilities.

A. Director.

- (1) Responsible for overall management and guidance of the Service's review of environmental documents and other project reviews.
- (2) Approves Service recommendations to the Assistant Secretary for all proposed referrals of other agency actions to CEQ under 40 CFR 1504.
- (3) Maintains signature authority to request, approve, or decline-Service participation as a-cooperating agency on EISs prepared by other Federal agencies that affect more than one Region.
- (4) Maintains signature authority for Service comments on proposed rulemaking, environmental documents involving programmatic or nation-wide actions, documents of a controversial nature, documents of interest to the Secretary, and documents involving more than one Region.

B. Assistant Director - Ecological Services.

- (1) Exercises oversight responsibility for the Service's review of other agencies' environmental documents and other related reviews.
- (2) Designates a Washington Office Environmental Coordinator responsible for overseeing matters pertaining to NEPA pursuant to 516 DM 6.2.
- (3) Assists the Director in coordinating and processing referrals to do and emergency actions under NEPA. Advises OEPC, CEQ, and the Washington Office of the involved Federal agency of potential referral pursuant to 40 CFR 1504 and 505 FW 5.

C. Chief, Division of Habitat Conservation.

- (1) Prepares NEPA policies, directives, guidance, and training materials for Service personnel related to environmental reviews and other related reviews.
- (2) Coordinates and controls distribution of and deadlines for reviewing and commenting on environmental documents and other project reviews controlled by DOI and the Service. Also controls and distributes the review of environmental documents and other project reviews prepared by the Service and other bureaus in DOI.
- (3) Designates a lead Service program area to collate and submit the Service's response when environmental reviews involve proposals that involve two or more program areas.
- (4) Maintains Service lead in collating comments when environmental reviews involve more than one Region, unless otherwise directed.
- (5) Informs OEPC of any agreements to assume cooperating agency status or any declinations pursuant to 40 CFR 1501.6(c) and 516 DM 2.5.
- (6) Maintains the Service's administrative record of all environmental reviews controlled by the Service and DOI, including a record of all acceptances or declinations to be a cooperating agency.

D. Washington Office Environmental Coordinator.

- (1) Provides staff support to ensure NEPA responsibilities delegated to the Assistant Director - Ecological Services, and Chief, Division of Habitat Conservation, are carried out in accordance with CEQ's NEPA regulations, DOI's NEPA procedures, and Service NEPA guidance, and
- (2) Serves as Service liaison to CEQ, OEPC, and other Federal agency NEPA staff on NEPA matters, including potential CEQ referrals under NEPA, pursuant to 516 DM 6.2.
- (3) Reviews nationally-significant environmental documents, including nondelegated EISs, of interest or concern to the Director.
- (4) Conducts and coordinates training, including the preparation of training materials, for Washington and Regional Office personnel, including the Regional Environmental Coordinators, on environmental reviews and other related reviews.
- (5) Provides technical assistance, quality control and overview regarding the Service-wide review of controlled environmental documents and other project reviews prepared by other Federal agencies.

E. Regional Director.

- (1) Designates an individual in the Regional Office, pursuant to 516 DM 6.2 and Appendix 1.1E, who has responsibility for coordinating region-wide reviews of environmental documents and related reviews.
- (2) Ensures quality control of all environmental review comments submitted by offices and divisions under his/her control to the Director, Department, other Federal agencies, and State agencies.
- (3) Ensures that Regional and field office personnel are adequately trained in environmental review matters.

- (4) May enter into cooperating agreements with other Federal agencies in the preparation of EISs affecting the Region, or decline Service participation as a cooperating agency for proposed actions where the Service has special expertise.
- (5) Advises AD-ES (Attention: DHC), and OEPC, if appropriate, of Service acceptance or declination of requests for cooperating agency status. In accordance with 40 CFR 1501.6 and 516 DM 2.5, any declination to a request to be a cooperating agency where the Service has significant jurisdiction by law [refer to 505 FW 2.2(A)] must be reported to CEQ. Such responses shall be routed to the Director for his/her signature.
- (6) Submits Service comments controlled by OEPC directly to the lead collating bureau, the Department's Regional Environmental Officer (REO), or OEA, as directed, for all environmental reviews involving proposals within the Region. The Regional-Director may not redelegate this responsibility below the Regional Office level, except for notices of intent (NOI).
- (7) Provides "no comments" to lead collating bureau, RED, OEPC, or Service Washington Office, as appropriate, for controlled environmental reviews.
- (8) Advises the Director and the RED, as appropriate, whenever significant controversy exists over environmental reviews or before taking any actions which involve major policy considerations or the potential for substantial controversy.
- (9) Advises the AD-ES whenever incorporating "may refer" language in Service comments on draft EISs, as this matter may ultimately involve the Secretary. The Regional Director must actively seek resolution of referral issues pursuant to 40 CFR 1504 and 505 FW 5 prior to submission of the referral package to the Secretary.
- (10) Coordinates internal Regional review of Service NEPA documents prepared in the Region with affected program areas in the Region.

F. Regional Environmental Coordinator.

- (1) Coordinates significant Regional environmental review issues on an interagency and intra-Service level.
- (2) Collates comments from other DOI bureaus when the Service is designated lead bureau by OEA.
- (3) Coordinates with counterparts in other agencies to resolve Regional NEPA-related conflicts.
- (4) Provides staff assistance to the Regional Director in coordinating potential CEQ referrals with Regional and field office personnel and DHC.
- (5) Prepares and coordinates training for Regional and field office personnel on environmental reviews and other related reviews.
- (6) Maintains a record of all DOI and Service Washington Office controlled environmental reviews involving the Region, including a record of "no , comments." REC will ensure that a signed copy of all Regional comments are provided to DHC. Advises DHC of all acceptances or declinations to be a cooperating agency on another agency's EIS.

- (7) Serves as the Regional staff point of contact and liaison with OEPC staff, the RED, other Federal agency NEPA staff, and DOI and Service Washington Office staff on controlled environmental documents and other project reviews.
- (8) Coordinates all requests from the Region for extensions of time directly with the lead collating bureau, REO, OEPC, or the Service Washington Office, as appropriate. REC will ensure that all Service reviewers are aware of any approved extensions of time.

G. Service Divisions and Offices. Most interagency coordination on environmental reviews is conducted by Ecological Services field offices, and their specific responsibilities are outlined below. However, other Service offices and divisions (e.g., Division of Endangered Species, Division of Environmental Contaminants, Division of Refuges, Division of Fish Hatcheries) may also be notified of such reviews, when appropriate.

- (1) Provide early cooperation and coordination with other agencies and other Service offices and divisions in their NEPA processes. This includes providing technical assistance or commenting on preliminary working drafts and participating in scoping activities and as a cooperating agency.
- (2) Provide site-specific review and comment on NEPA-related documents and for preparing comment letters and memoranda.
- (3) Unless otherwise instructed, have signature authority for comments on notices of intent to prepare environmental documents.
- (4) Service Washington offices and divisions, with input from Regional and field offices, coordinate reviews of programmatic or nationwide EISs prepared by other agencies.

1.7 NEPA Reference Handbook. The NEPA Reference Handbook, authorized in 550 JFW 1, includes the full texts of various NEPA authorities, texts of selected authorities for related reviews, and checklists and samples for the preparation and review of environmental documents.

Exhibits 1-3 are available from the Division of Habitat Conservation (703) 358-2183.

Exhibit 1, Abbreviations and Acronyms

Exhibit 2, Memorandum (Review of "Final Environmental Statement for the Fish Creek Reservoir Expansion, Routt County, Colorado")

Exhibit 3, Environmental Review Distribution Transmittal